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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,690	12/14/2001	Toshiaki Iwafuchi	0112857-306	2929
29175	7590	07/27/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC			EVERHART, CARIDAD	
P. O. BOX 1135			ART UNIT	PAPER NUMBER
CHICAGO, IL 60690-1135			2825	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,690

Applicant(s)

IWAFUCHI ET AL.

Examiner

Caridad M. Everhart

Art Unit

2825

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5-14-2004
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,9,11-31 and 33-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12,25 and 36-53 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,9,15-22,26-31,33,54-60,62-66 and 68-73 is/are rejected.
- 7) ☒ Claim(s) 11,23,24,34,35,61,67 and 74 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Applicant's arguments with respect to claims 1,3,4,9,15,-22,26-31,33, 54-60, 62-66, and 68-73 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's translation filed 10-7-2003 of applicant's foreign priority document has been received. The rejection over the Buchwalter reference has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3,4,9,15-22,26-31,54-60,62-66, and 68-73 are rejected under 35

U.S.C. 102(e) as being anticipated by Kneissl et al (US 6,757,314B2).

Kneissel et al discloses release of a laser array structure from the insulating substrate and attachment to an intermediate support substrate, then attachment to a wafer and removal of the intermediate substrate(col. 2, lines 20-40). The structure is released from the sapphire substrate by laser liftoff by using an excimer laser which is adjusted to decompose a GaN layer which holds the device onto the sapphire substrate(col. 7, lines 57-67). The disclosure that the excimer laser is adjusted to decompose the GaN layer is interpreted to mean that the irradiation is selectively applied. The released device is transferred to an intermediate supporting substrate(col. 7, lines 43-55 and Fig. 11C),

1105). Then the device is transferred to second substrate 1138 (col. 8, lines 60-67). There may be an adhesive layer of wax or epoxy holding the layer to the sapphire substrate (col. 7, lines 57-60). The excimer laser causes decomposition of the layer of the GaN by ablation, as is well known in the art, as removal of a layer by laser has the mechanism of ablation. The device is a light emitting device, a laser diode (abstract). There is a cleaning step (col. 8, lines 13-24) after the transfer to the holding layer.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

~~Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over~~
Houston (US 3,783,297).

Houston discloses a silicone having indentations shaped in a form to receive a device (col. 6, lines 17-24 and Fig. 7).

Although Houston does not teach a pointed shape, it would have been obvious at the time of the invention to have formed the silicone indentations in the shape desired to receive a device of pointed shape.

Allowable Subject Matter

Claims 12, 25, 36-53, are allowed.

Claim 11, 23, 24, 34, 35, 61, 67, and 74 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caridad M. Everhart whose telephone number is 571-272-1892. The examiner can normally be reached on Monday through Fridays 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CARIDAD EVERHART
PRIMARY EXAMINER

C. Everhart
7-26-2004